

Telegram C O N F I D E N T I A L UNESCO/PARI 02110211
VZCZCXYZ0002
RR RUEHWEB

DE RUEHFR #0211/01 0421455
ZNY CCCCC ZZH
R 111455Z FEB 09
FM UNESCO PARIS FR
TO RUEHC/SECSTATE WASHDC
INFO RUEHJM/AMCONSUL JERUSALEM
RUEHTV/AMEMBASSY TEL AVIV
RUEHAM/AMEMBASSY AMMAN
RUCNDT/USMISSION USUN NEW YORK
RUEHEG/AMEMBASSY CAIRO

C O N F I D E N T I A L PARIS FR 000211

SIPDIS

E.O. 12958: DECL: 2/10/2018
TAGS: [PREL](#) [UNESCO](#) [KWBG](#) [JO](#) [IS](#)
SUBJECT: MUGHRABI GATE UPDATE

REF: A) 08 USUNESCO PARIS FR 001944
B) 08 AMMAN 3391
C) 08 TEL AVIV 2589

Classified by Charge Stephen Engelken for reasons 1.4 (b) and (d).

¶1. (C) Summary: Tension over Middle East issues is high at UNESCO, due in part to the emotions aroused by the Gaza conflict. Deputy Director General Barbosa feels this will make it all the harder to manage the Mughrabi Gate issue (reftel). There has been no change in the situation since the issue nearly brought UNESCO's October 2008 Executive Board meeting to a standstill (REF A), and the sides remain at loggerheads over the fundamental issue of who controls the site. Israel is determined to prevent Executive Board Chairman Yai from involving a large number of countries in negotiations on this issue as he tried to do at the last Executive Board. Barbosa would like to go farther and convince Yai (Benin) to withdraw the issue entirely from the agenda of the April 2009 Executive Board session. Whether Yai can do this will depend at least in part on whether or not the situation remains stable. Should Israel begin construction of the ascent without the agreement of Jordan or the Palestinians, it will be virtually impossible to keep this item off the Board's agenda. End Summary.

¶2. (C) Mission has recently discussed the Mughrabi Gate situation with UNESCO's Deputy Director-General Marcio Barbosa (most recently on February 6) and with Tibor Shalev-Schlosser International Organizations Director at Israel's Ministry of Foreign Affairs (on January 28). We found both nervous about how to manage this issue at the April 14-30 Executive Board session while emotions run high over Gaza.

¶3. (C) Barbosa complained that the situation is essentially unchanged since the last Executive Board meeting in late October. Jordan cancelled a proposed "encounter" with the Israelis in November in apparent protest at its not being allowed to have its own engineers measure the site to prepare a precise architectural plan for the ramp Jordan proposes to pay for and build. Israel has not answered a December 2008 letter from the World Heritage Committee making comments on the proposed Israeli design. (On February 6, however, Barbosa told visiting IO Acting A/S Warlick that the World Heritage Center staff believe that Israel's latest design proposal falls within the scope of the rules of the World Heritage Convention.) There may be little new to discuss at the April Board, Barbosa feared.

¶4. (C) Barbosa observed that the real dispute is not over the shape of the ramp but who builds it. Changes in the design of the ramp may, therefore, not be enough to satisfy Jordan. Barbosa admitted that he does not know what to do now. If this becomes an argument over control of the area rather than the design of the ramp, UNESCO is in a bind. This goes beyond its mandate. We are approaching the end of our ability to help, Barbosa lamented.

¶5. (C) Schlosser saw things similarly. He told Charge on January 28 that the question UNESCO can address is not who builds the ramp, but how the ramp is built. Schlosser suggested strongly that Israel can be flexible on the design of the ramp but not on control of the site. He noted that there is a "big difference" between the plan now being discussed and the one that had been originally submitted.

¶6. (C) Schlosser added that there is a third plan "in the drawer" which takes into consideration concerns expressed by the World Heritage Center and which he described as providing a "level of flexibility to the maximum extent possible". Schlosser said that Israel is still willing to meet the Jordanians, either with UNESCO or bilaterally, but only on the condition that any visit to the site would not result in the development of a separate plan. Israel will never permit Jordan to build the ramp itself.

¶7. Both Barbosa and Schlosser wanted to avoid a repetition of the last Executive Board when Chairman Yai tried to involve the regional vice-chairs (India, Brazil, South Africa, Norway, Lithuania, and Egypt) along with the U.S., France (then EU President), and Spain (current World Heritage Chair). The result had been a confused muddle. Schlosser reported that he had met Yai in late January and had obtained his agreement to the following:

- That DDG Barbosa would take the lead in negotiations as a "facilitator";
- That issues would be separated out between "political and professional" (technical);
- That the Executive Board should stay within the parameter of decision of the World Heritage Committee;
- That the text to be negotiated would be presented by the Secretariat, and not drafted by one of the parties, and would be based on previous decisions; and
- That negotiations would start as soon as possible after the Board

SIPDIS

E.O. 12958: DECL: 2/10/2018

TAGS: [PREL](#) [UNESCO](#) [KWBG](#) [JO](#) [IS](#)

SUBJECT: MUGHRABI GATE UPDATE

begins.

¶8. (C) Barbosa wanted to go even farther and have the Mughrabi item removed entirely from the agenda of the next Executive Board. He said he had approached Yai on this point already and urged the U.S. to support the idea. Asked for his opinion, Schlosser agreed that a postponement would be acceptable to Israel. When reminded that this would mean the issue would be discussed at the World Heritage Committee meeting in late June in Seville, Schlosser said he would prefer to have the discussion in that Committee whose remit is purely technical. The fact that Israel currently sits on the World Heritage Committee and does not have an Executive Board seat also helps make World Heritage a better venue from Israel's perspective. Schlosser warned, however, that the Jerusalem Planning Authority might make some decision with regard to the site between now and April that would make it hard for UNESCO to argue that the situation is unchanged.

¶9. (C) Comment: It is hard to blame Barbosa for trying to have this difficult item removed from the Board's agenda. We will find an occasion to tell Yai we support Barbosa. We are not, however, very optimistic this gambit will succeed. It will be hard for Yai to ignore the fact that the Board at its last session asked for a report on the issue at the next session. Any change on ground, of course, would make it virtually impossible for Yai to remove the item.

¶10. (C) Comment Continued: What is most important is to ensure that all sides have a negotiating framework they can accept. We must hope that Yai genuinely implements the points he and Schlosser agreed. We are not confident he will, however, since several influential states like India have been trying to find an opening to play a role on this issue and Yai is clearly interested in cultivating their support.

ENGELKEN